



*City of Alexandria, Virginia*  
*Department of Planning & Zoning*

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## **SPECIAL USE PERMIT CERTIFICATE**

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2017-0025

Approved by Planning and Zoning: April 25, 2017

Permission is hereby granted to: Eulogia Torrez

to use the premises located at: 3401 Mount Vernon Avenue

for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

4/25/2017

Date

  
\_\_\_\_\_  
Karl Moritz, Director  
Department of Planning and Zoning

DATE: April 25, 2017

TO: Alex Dambach, Division Chief  
Department of Planning and Zoning

FROM: Madeleine Sims, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit # 2017-0025  
Administrative Review for a New Use  
Site Use: Restaurant  
Applicant: Eulogia Torrez  
Location: 3401 Mount Vernon Avenue  
Zone: CSL / Commercial Service Low

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### **Request**

The applicant, Eulogia Torrez, proposes a restaurant at 3401 Mount Vernon Avenue. The applicant proposes 20 indoor seats and four outdoor seats for the Bolivian and Latin American restaurant. The fast-casual restaurant anticipates business for both their sit-down and carry-out service.

### **Background**

This site has previously been approved for restaurant uses in the past, as well as a parking reduction. The building was constructed in the 1920s as a single-family dwelling and had commercial uses prior to the first SUP approval. SUP#2009-0064 was approved for a restaurant use after a previous attempt to convert the building to a restaurant use failed in 2008. Construction in support of SUP #2009-0064 never came to fruition and the SUP expired in 2011. In 2012, the original applicants filed for another SUP to operate a Mexican and Salvadorian cuisine quick-service restaurant, including on-premises alcohol sales. SUP #2012-0078 was approved and construction commenced to renovate the existing building in 2013.

The building has been previously cited, as recently as 2013, for tall grasses and weeds. All code complaints were corrected by the owner.

### **Parking**

Pursuant to Section 8-200, one parking space for every four seats is required. Outdoor seating is exempt from this calculation for the first 20 seats, therefore the applicant is required to provide five parking spaces for the proposed 20 indoor seats. The applicant provides five parking spaces, that double as loading spaces when the restaurant is closed to the public. Previous SUPs have mentioned the need for improvements to the proposed parking lot at the rear of the building. A site visit revealed the side and rear areas had been paved to accommodate parking spaces, though the curb cut remains to be 10 feet in width. With the curb cut as is, staff agreed that the proposed parallel parking would move adjacent to the building to alleviate traffic on the drive aisle. The applicant provided revised drawings to show this.

**Community Outreach**

Public notice was provided through the City's eNews, via the City's website, and by posting a placard at the site. In addition, the Del Ray Citizens Association, Arlandria Civic Association, Mt. Vernon Association and Herbert Station Homeowners Association were notified of the restaurant application.

**Staff Action**

Staff supports the applicant's request to operate a location at this site. Previous SUPs have been approved for restaurant uses at this location and staff has no objection to supporting this use at 3401 Mount Vernon Avenue. The use will revitalize a previously vacant building and though residences are located nearby, the use will have minimal impacts as parking is provided and no live entertainment or late hours are proposed.

Standard conditions have been added, though Condition #2 has been modified to expand outdoor seating to 20 seats, allowing for greater flexibility. The increase in exterior seating allows the applicant flexibility to take advantage of waived parking requirements for outdoor seating.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: April 25, 2017

Action: Approved

  
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Alex Dambach, Division Chief

Attachments: 1) Special Use Permit Conditions  
2) Department Comments  
3) Statement of Consent

## **CONDITIONS OF SPECIAL USE PERMIT #2017-0017**

Staff recommends **APPROVAL** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The Special Use Permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. The number of indoor seats at the restaurant may not exceed 20. The number of outdoor seats may not exceed 20. (P&Z)
3. The hours of the operation shall be limited to between 7 a.m. and 10 p.m. daily for both indoor and outdoor operations. Orders placed before 10 p.m. may be served, but no new patrons may be admitted and all patrons must leave by 11 p.m. (P&Z)
4. The applicant shall post the hours of operation at the entrance to the business. (P&Z)
5. Limited, live entertainment may be offered, and must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z)
6. No delivery service shall be permitted. (P&Z)
7. Full alcohol service, consistent with a valid ABC license is permitted. No alcohol sales for off-premises consumption are permitted. (P&Z)
8. No food, beverages, or other material shall be stored outside. (P&Z)
9. The applicant shall control odors, smoke and any other air pollution from the operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services. (P&Z)
10. Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m. (P&Z)
11. The parking lot shall be striped as shown on plans submitted on April 18, 2017 to show three parking spaces in the rear and two parallel parking spaces alongside the building. (P&Z)

12. Outdoor dining, including all its components such as planters, wait stations and barriers, shall not encroach onto the public right of way unless authorized by an encroachment ordinance. (P&Z)
13. No live entertainment shall be permitted in the outdoor seating area. (P&Z)
14. Outdoor seating areas shall not include advertising signage, including on umbrellas. (P&Z)
15. On site alcohol service, to the extent allowed for indoor dining, is permitted for outdoor dining. (P&Z)
16. A plan shall be submitted with dimensions showing the layout for the outdoor dining area and depicting the design, location, size and space of the dining area, chairs, tables, barriers, umbrellas planters, wait stations, and other components to be located within the area, and such additional information as the director may reasonably require. (P&Z)
17. The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (P&Z)
18. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
19. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
20. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES)
21. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
22. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
23. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)

24. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
25. The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
26. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES)
27. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES)
28. The applicant shall require its employees who drive to work to use off-street parking. (T&ES)
29. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)

## **CITY DEPARTMENT COMMENTS**

Legend: C - code requirement R - recommendation S - suggestion F - finding

### Transportation & Environmental Services:

- R-1 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-2 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-3 If used cooking oil is stored outside, the drum shall be kept securely closed with a bung when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES)
- R-4 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
- R-5 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
- R-6 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-7 All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- R-8 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-9 The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-10 The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES)

- R-11 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES)
- R-12 The applicant shall require its employees who drive to work to use off-street parking.
- R-13 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation.

Code Enforcement:

- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov), for information about completing this form. (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Fire Department:

- F-1 As the occupant load will be under 50, no fire prevention permit is required. No other comments or concerns.

Health:

No comments received.

Parks and Recreation:

No comments received



Police Department:

No comments received

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2017-0025. The undersigned also hereby agrees to obtain all applicable licenses and permits required for 3401 Mount Vernon Ave

  
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Applicant - Signature

04-25-17  
Date

Eulogia L. Torrez  
Applicant - Printed

04-25-17  
Date